

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER CLEVELAND, OHIO 44113

CASE NO.
CV11765887

D3 CM

SUMMONS NO.
18241433

Rule 4 (B) Ohio

MARSHA KELLY
VS
DAVID BROOKS, ET ALPLAINTIFF
DEFENDANTRules of Civil
Procedure

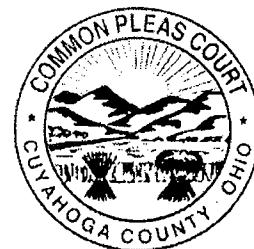
SUMMONS

UNIVERSITY HOSPITALS MEDICAL GROUP
INC
C/O ITS STAT AGENT JANET MILLER
3605 WARRENSVILLE CENTER ROAD
MSC 9110
SHAKER HTS. OH 44122-0000

Said answer is required to be served on:



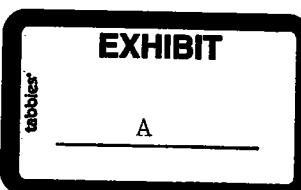
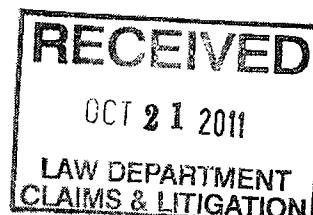
Plaintiff's Attorney

CHRISTOPHER P THORMAN
1220 WEST 6TH STREETSUITE 207
CLEVELAND, OH 44113-0000You have been named defendant in a complaint
(copy attached hereto) filed in Cuyahoga County
Court of Common Pleas, Cuyahoga County Justice
Center, Cleveland, Ohio 44113, by the plaintiff
named herein.You are hereby summoned and required to
answer the complaint within 28 days after service
of this summons upon you, exclusive of the day of
service.Said answer is required to be served on Plaintiff's
Attorney (Address denoted by arrow at left.)Your answer must also be filed with the court
within 3 days after service of said answer on
plaintiff's attorney.If you fail to do so, judgment by default will be
rendered against you for the relief demanded in the
complaint.GERALD E. FUERST
Clerk of the Court of Common PleasDATE
Oct 6, 2011

By

Deputy

COMPLAINT FILED 10/04/2011



**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

MARSHA KELLY)	CASE NO.:
3434 Washington Blvd.)	
Cleveland Heights, OH 44118,)	JUDGE:
)	
Plaintiff,)	<u>COMPLAINT</u>
)	
vs.)	Plaintiff demands a trial by jury on
)	all issues triable of right by a jury,
DAVID BROOKS)	pursuant to Ohio R. Civ. P. 38.
c/o University Hospitals Health Systems, Inc.)	
dba University Hospitals, and)	
University Hospitals Medical Group, Inc.)	
c/o Its Statutory Agent)	
Janet Miller)	
3605 Warrensville Center Road)	
MSC 9110)	
Shaker Heights, OH 44122,)	
)	
and)	
)	
UNIVERSITY HOSPITALS HEALTH)	
SYSTEMS, INC. dba UNIVERSITY)	
HOSPITALS)	
c/o Its Statutory Agent)	
Janet Miller)	
3605 Warrensville Center Road)	
MSC 9110)	
Shaker Heights, OH 44122,)	
)	
and)	
)	
UNIVERSITY HOSPITALS MEDICAL)	
GROUP, INC.)	
c/o Its Statutory Agent)	
Janet Miller)	
3605 Warrensville Center Road)	
MSC 9110)	
Shaker Heights, OH 44122,)	

and

JOHN DOES I THROUGH V, INCLUSIVE

Defendants.

INTRODUCTION

1. Plaintiff Marsha Kelly is a citizen of the United States and resides in Cuyahoga County, Ohio.
2. Defendant University Hospitals Health System, Inc. dba University Hospitals, is an employer.
3. Defendant University Hospitals Medical Group, Inc. is an employer.
4. Plaintiff Kelly was employed by Defendants until October 6, 2010, at which time she was informed that she was being terminated from her employment.
5. Defendant David Brooks is a resident of Ohio.
6. Plaintiff Kelly does not know the true names and capacities of defendants sued as Does I through V. She will amend the complaint to show the true names of each such defendant when their identities have been ascertained. Each of the Doe defendants encouraged, participated in, and/or ratified and approved the wrongful and unlawful conduct described below. Each of the Doe defendants was at all relevant times, the agent, employee or representative of one or more of the named defendants and/or the other Doe defendants, and was acting within the course and scope of such relationship
7. The conduct giving rise to the claims described below occurred in Cuyahoga County, Ohio, this Complaint is timely brought, and jurisdiction and venue are proper.

COUNT ONE
(DEFAMATION)

8. Plaintiff incorporates into this paragraph the allegations from each of the preceding paragraphs.
9. Defendants have knowingly, with malice and reckless disregard for the truth and in bad faith, published and/or publicly spoken intentional false and defamatory communications without privilege about Plaintiff.
10. Defendants University Hospitals Health System, Inc. dba University Hospitals and University Hospitals Medical Group, Inc. through its agents and employees, knew or should have known of the actions of the other Defendants and ratified, participated or acquiesced in the defamatory acts of the other Defendants.
11. Defendants' intentional false communications were published and/or publicly spoken and were made with malice, in reckless disregard for the truth, in bad faith, and without privilege.
12. Each of Defendants' statements were and are false and untrue and were made by Defendants for the purpose of and intent to injure Plaintiff Kelly in her profession and her reputation, and the statements did injure Plaintiff Kelly in her profession and in her personal standing and reputation.
13. As the direct and proximate result of Defendants' malicious, reckless, wanton and bad faith conduct, Plaintiff has suffered and continues to suffer reputational and emotional harm, lost employment and related benefits, past and future economic and non-economic losses, pain and suffering, including physical and mental suffering, and other damages resulting therefrom.

14. Defendants are liable to Plaintiff for this claim for compensatory and punitive damages, costs and reasonable attorneys fees.

COUNT TWO
(Intentional Infliction of Emotional Distress)

15. Plaintiff incorporates into this paragraph the allegations from each of the preceding paragraphs.

16. In addition to the conduct described above, Defendants have engaged in other wrongful conduct with malicious purpose, recklessly, wantonly and in bad faith, including making false statements damaging to Plaintiff's reputation and harassing to Plaintiff.

17. Defendants either intended to cause Plaintiff emotional distress, or knew or should have known that their conduct would result in severe emotional distress to Plaintiff.

18. The conduct of Defendants was so extreme and outrageous that it goes beyond all possible bounds of decency and is utterly intolerable in a civilized community.

19. Defendants' conduct has caused Plaintiff harm, and no reasonable person could be expected to endure the harm caused by Defendants.

20. Defendants through their agents and employees, know or should have known of the actions of the other Defendants and ratified, participated or acquiesced in the defamatory acts of the other Defendants.

21. Defendants' conduct as described above was done willfully, wantonly, recklessly, maliciously and in bad faith.

22. As the direct and proximate result of the Defendants' wrongful conduct stated above, Plaintiff has suffered extreme anguish, humiliation and emotional distress,

economic and noneconomic past and future damages, reputational and emotional harm and other damages resulting therefrom.

23. Defendants are liable to Plaintiff for compensatory and punitive damages, attorneys fees and costs.

COUNT THREE
(Civil Conspiracy)

24. Plaintiff incorporates into this paragraph the allegations from each of the preceding paragraphs.

25. On or about 2010, Defendants formed a conspiracy with willful and malicious motives, in bad faith, and in a wanton or reckless manner, to intentionally inflict emotional distress, abuse, injure discredit, vilify and otherwise defame Plaintiff.

26. As part of their conspiracy, Defendants repeatedly published and caused to be published false and defamatory statements about Plaintiff with willful and malicious motives, in bad faith, and in a wanton or reckless manner, with a goal of (among other improper goals) defaming and intentionally inflicting emotional distress upon Plaintiff.

27. By reason of such conspiracy, Plaintiff has been injured and has suffered great pain and mental anguish.

28. Defendants University Hospitals Health System, Inc. dba University Hospitals and University Hospitals Medical Group, Inc., through its agents and employees, knew or should have known of the conspiracy by the other Defendants and ratified, participated, or acquiesced in the conspiracy against Plaintiff.

29. As the direct and proximate result of Defendants' malicious, reckless, wanton and bad faith conduct, Plaintiff has suffered and continues to suffer reputational and

emotional harm, pain and suffering, including physical and mental suffering, and other past and future economic and noneconomic damages resulting therefrom.

30. Defendants are liable to Plaintiff Kelly for past and future economic and non-economic harm, pain and suffering, punitive damages, reasonable attorneys fees and costs, and related damages alleged herein.

CONCLUSION

Plaintiff seeks an amount in excess of \$25,000 to fully, fairly and justly compensate her for her injuries, damages and losses. She respectfully requests that this Court enter judgment in her favor and award her past and future compensatory damages, actual damages, consequential damages, incidental damages, reliance damages, expectation damages, punitive damages, interest, fees and costs, and any additional legal or equitable relief as justice requires, including compensatory damages for emotional harm and reputational loss.

Respectfully submitted,

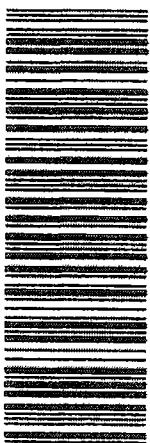

CHRISTOPHER P. THORMAN (0056013)
cthorman@thllaw.com

Attorney for Plaintiff

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The Bradley Building
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Cleveland, Ohio 44113
Phone (216) 621-9767
Fax (216) 621-3422

GERALD E. FUERST
CLERK OF COURTS
1200 ONTARIO STREET
CLEVELAND OH, 44113-0000

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C/O ITS STAT AGENT JANET MILLER
3605 WARRENSVILLE CENTER ROAD
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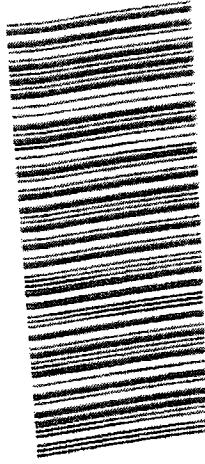
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DBA UNIVERSITY HOSPITALS
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